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FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (703) 872-9306

TIME: 3:30pm

DATE: May 3, 2005

TO: Commissioner for Patents
Attn: Examiner Javier G. Blanco

Group Art Unit: 3738

FROM: Christine Wheeler
Assistant to Stuart O. Lowry, Esq.

RE: U.S. Patent Application
Entitled: TOTAL DISC IMPLANT
Serial No. 10/737,108
Filed: December 15, 2003
Our Docket No. 43662-Amedica

Number of pages being sent, including cover sheet: 19

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**** INCLUDING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (818) 347-7900.**

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0631-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/737,108

Filing Date December 15, 2003

First Named Inventor Ashok C. Khandkar et al.

Art Unit 3738

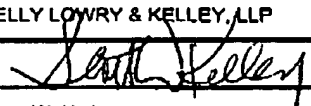
Examiner Name Javier G. Blanco

Attorney Docket Number 43682-Amedica

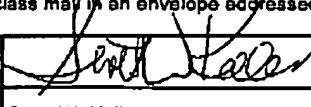
ENCLOSURES (Check all that apply)

| | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input checked="" type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input checked="" type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | KELLY LOWRY & KELLEY, LLP | | |
| Signature |  | | |
| Printed name | Scott W. Kelley | | |
| Date | May 3, 2005 | Reg. No. | 30,782 |

CERTIFICATE OF TRANSMISSION/MAILING (703) 872-9306

| | | | |
|---|---|------|-------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature |  | | |
| Typed or printed name | Scott W. Kelley | Date | May 3, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)**FEE TRANSMITTAL
For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)-0-

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 10/737,108 |
| Filing Date | December 15, 2003 |
| First Named Inventor | Ashok C. Khandkar |
| Examiner Name | Javier G. Blanco |
| Art Unit | 3738 |
| Attorney Docket No. | 43662-Amedica |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | -0- |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | -0- |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | -0- |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | -0- |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | -0- |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent | 50 | 25 |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims 25 - 53 HP = -0- x 25 = -0-

HP = highest number of total claims paid for, if greater than 20

Indep. Claims 2 - 4 HP = -0- x 100 = -0-

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims

| Fee (\$) | Fee Paid (\$) |
|----------|---------------|
| -0- | -0- |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(C) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|--------------------------------|---------------|
| - 100 = | | / 50 = | (round up to a whole number) x | -0- |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

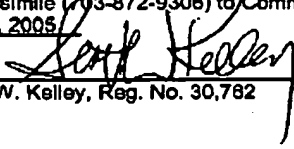
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| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|--------------|
| Signature |  | Registration No. (Attorney/Agent) | 30,762 | Telephone | 818-347-7900 |
| Name (Print/Type) | Scott W. Kelley | | | Date | May 3, 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Scott W. Kelley, Reg. No. 30,782 May 3, 2005
Date

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|--------------------------|
| In re Application of |) | Group Art Unit: 3738 |
| Ashok C. Khandkar, et al |) | Examiner: Blanco, J.G. |
| Serial No. 10/737,108 |) | |
| Filed: December 15, 2003 |) | Docket No. 43662-Amedica |
| For: TOTAL DISC IMPLANT |) | |

RESPONSE UNDER 37 CFR 1.116

MS: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to an Office Action dated March 10, 2005, the following
is submitted:

Amendments to the Claims are reflected in the listing of claims
which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.